

# OREGON RECIPROCAL AGREEMENT

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This card is intended as a Quick Reference Guide. We make every effort to ensure it is correct. When using this card, please understand it is not intended to replace Department of Labor and Industries or insured's policies, procedures, RCW's or WAC's in their entirety.

Eff. Date of Agreement: January 1, 1965 (amended February 1, 2002 and Oct. 5, 1997)

This agreement allows Washington employers to take their Washington employees into Oregon on a temporary basis and Oregon employers to take their Oregon employees in to Washington on a temporary basis while maintaining their entitlement to benefits under respective home states.

### **Definition of a Washington worker:**

Person hired to work in the state of Washington or when the contract of hire arises in Washington, consistent with the Industrial Insurance Laws of Washington. (Benefits will be paid by Washington while working temporarily in Oregon.)

### **Definition of a Oregon worker:**

Person hired to work in the state of Oregon or when the contract of hire arises in Oregon, consistent with the Workers' Compensation Law of Oregon. (Benefits will be paid by Oregon while working temporarily in Washington.)

### **Additional Provisions:**

This agreement does not apply to Washington workers of the Oregon employer working in Washington nor to Oregon workers of the Washington employer working in Oregon.

Effective 10/05/97, for the purpose of this agreement, "working temporarily" may include the following criteria:

- a) The extent to which the worker's work within the state is of a temporary duration;
- b) The intent of the employer in regard to the worker's employment status;
- c) The understanding of the worker in regard to the employment status with the employer;
- d) The permanent location of the employer and its permanent facilities;
- e) The extent to which the employer's contract in the state is of a temporary duration, established by a beginning date and expected ending date of the employer's contract;
- f) The circumstances and directives surrounding the worker's work assignment;
- g) The state laws and regulations to which the employer is otherwise subject; and
- h) The residence of the worker; and
- i) Other information relevant to the determination.

Effective 05/25/01, Oregon changed its law requiring that all firms working on a public works contract in Oregon be registered in and report to Oregon to allow states with reciprocal agreements to use their coverage.

The Washington employer conducting business in Oregon is subject to Oregon's safety codes and the Oregon employer conducting business in Washington is subject to Washington's safety codes.

The construction or maintenance of interstate structures such as dams, bridges, trestles, etc., between Oregon and Washington, will be controlled by separate agreements.

Partners engaged in the Construction Industry ONLY must have coverage when working in Oregon. They may seek this coverage in Oregon, or elect it in Washington.